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10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**  
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13 COLONY INSURANCE COMPANY,

14 Plaintiff,

15 v.

16 HAROLD KUEHN, *et al.*,

17 Defendants.  
18

Case No. 2:10-CV-01943-KJD-GWF

**ORDER**

19 Presently before the Court is the Report and Recommendation (#64) of Magistrate Judge  
20 George Foley, Jr. recommending that the Third Motion to Compel and for Sanctions Against Thomas  
21 Gibson and Gibson & Kuehn, LLP be granted, in part and denied, in part. No objection to the Report  
22 and Recommendation has been filed.

23 The Court has conducted a *de novo* review of the record in this case in accordance with 28  
24 U.S.C. § 636(b)(1) and LR IB 3-2. The Court finds that Judge Foley's Report and Recommendation  
25 (#64) should be adopted and affirmed.  
26

1           **IT IS THEREFORE ORDERED** that the Report and Recommendation (#64) of  
2 Magistrate Judge George Foley, Jr., is **ADOPTED** and **AFFIRMED**;

3           **IT IS FURTHER ORDERED** that Defendants' affirmative defense regarding Mr.  
4 Kuehn's alleged mental state be **STRICKEN** from Defendants' answer.

5           DATED this 25<sup>th</sup> day of May 2012.

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9 Kent J. Dawson  
10 United States District Judge  
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